

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

ELIZABETH RENAY FOUSE §

VS. § **CIVIL ACTION NO. 5:13-CV-00029**

**COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION** §

MEMORANDUM ORDER

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. Plaintiff filed objections to the Report and Recommendation. The Court conducted a *de novo* review of the magistrate judge's findings and conclusions.

Plaintiff objects to the magistrate judge's recommendation that Plaintiff's above-entitled and numbered social security cause of action be affirmed. Specifically, Plaintiff asserts the Report and Recommendation fails to address the combination of Plaintiff's mental impairments and chronic pain. According to Plaintiff, the medical records show she has suffered from depression and anxiety and she has also been suicidal related to her pain. Plaintiff asserts the ALJ's hypothetical to the vocational expert did not include Plaintiff's psychologically-based symptoms, such as mental confusion, anxiety, mental disturbance, and depression.

After reviewing the transcript, the briefs of the parties, and the Report and Recommendation, the Court finds Plaintiff's objections are without merit. The Court agrees with the magistrate judge that the ALJ performed a thorough credibility analysis and explained why he discounted Plaintiff's

subjective complaints. As noted by the magistrate judge, the ALJ considered Plaintiff's physical and mental limitations in determining Plaintiff's residual functional capacity, and the ALJ's assessment accommodated Plaintiff's supported complaints of chronic pain. The Court finds the ALJ did not err by excluding unsupported claimed limitations from his hypothetical questions to the vocational expert. The ALJ asked the vocational expert hypothetical questions that reasonably incorporated the restrictions and impairments which the record as a whole supported. Substantial evidence supports the ALJ's decision.

The Court is of the opinion that the findings and conclusions of the magistrate judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

ORDERED that the above-entitled Social Security action is **AFFIRMED**.

It is SO ORDERED.

SIGNED this 16th day of July, 2014.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE